

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

FILED  
AUG 06 2018  
Clark, U.S. District Court  
District Of Montana  
Missoula

DANNY LEE WARNER,

Plaintiff,

vs.

CHUCK CURRY, JENNIFER ROOT,  
JAMES DUSING, TAMMY BOWEN,  
SGT. SCHUELEN, and CBM  
MANAGED SERVICES,

Defendants.

CV 17-104-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendations in this case on May 29, 2018, recommending that Defendant CBM's Motion to Dismiss be granted in part and denied in part. Plaintiff Danny Lee Warner ("Warner") failed to timely object to the findings and recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

After reviewing the record and finding no clear error, this Court agrees with Judge Lynch's findings in full.

Accordingly, IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 42) are ADOPTED IN FULL.

(1) Defendant CBM's Motion to Dismiss (Doc. 40) is DENIED IN PART as to Warner's claim that CBM denied him adequate nutrition to maintain health in violation of his Fourteenth Amendment rights under the United States Constitution.

(2) Defendant CBM's Motion to Dismiss (Doc. 40) is GRANTED IN PART as to any alleged equal protection claim raised against Defendant CBM.

DATED this 6<sup>th</sup> day of August, 2018.

  
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Dana L. Christensen, Chief Judge  
United States District Court